

## **RULE CV-7. PLEADINGS ALLOWED; FORM OF MOTIONS**

**(a) Generally.** All motions, unless made during a hearing or trial, shall be in writing. Every motion shall be signed by at least one attorney of record, listing the attorney's mailing address, state bar card number and telephone number (including area code). The signature of an attorney constitutes a certificate of compliance under Rule 11, Federal Rules of Civil Procedure.

Any "pro se" party pleading must bear the "pro se" party's signature and shall specify the "pro se" party's mailing address and telephone number (including area code). The signature of a party "pro se" constitutes a certificate that he or she has read the pleading, that there is a bona fide basis to support the pleading, and the pleading is not made for the purpose of delay.

**(b) Documents Supporting Motions.** When allegations of fact not appearing in the record are relied upon in support of a motion, a summary of the facts relied upon with supporting affidavits and other pertinent documents then available shall be filed in an appendix, served and filed with the motion.

**(c) Legal Authorities Supporting Motions.** The specific legal authorities supporting any motion shall be cited in the motion and the motion shall be limited to ten (10) pages in length, unless otherwise authorized by the Court. An appendix may be filed with the motion specifying any factual basis relied upon and shall include all affidavits, deposition transcripts or other documents supporting the relied upon facts. No legal authorities are required to be cited in any of the following motions: (1) for extension of time for the performance of an act required or allowed to be done, provided request therefor is made before the expiration of the period originally prescribed, or as extended by previous orders; (2) to continue a pretrial conference hearing or motion, or the trial of an action; (3) for a more definite statement; (4) to join additional parties; (5) to amend pleadings; (6) to file supplemental pleadings; (7) to appoint next friend or guardian ad litem; (8) to intervene; (9) for substitution of parties; (10) relating to discovery, including, but not limited to motions for the production and inspection of documents, specific objections to interrogatories, motions to compel answers or further answers to interrogatories, and motions for physical or mental examination; (11) to stay proceedings to enforce judgment; (12) joint motions to dismiss; (13) to withdraw as counsel; (14) for mediation or other form of alternative dispute resolution; and (15) for approval of an agreed protective order. All the motions herein referred to, while not required to be accompanied by legal authorities, must state the grounds therefore and cite any applicable rule, statute, or other authority, if any, justifying the relief sought.

**(d) Responses.** If any party opposes a motion, the respondent shall file a response and supporting documents as are then available within eleven (11) days of service of the motion. The response shall contain a concise statement of the reasons and opposition to the motion and citations of the specific legal authorities upon which the party relies. The response is limited to ten (10) pages unless otherwise authorized by the Court. If there is no response filed within the time period prescribed by this rule, the Court may grant the motion as unopposed.

**(e) Replies.** A party may file a reply in support of a motion. Any reply shall be filed within eleven (11) days of service of the response, but the court need not wait for the reply before ruling on the motion. A reply shall be limited to five (5) pages, unless otherwise authorized by the Court. Absent leave of Court, no further submissions on the motion are allowed.

**(f) Proposed Orders.** A proposed order shall be filed with all motions specifically referenced in Local Rule CV-7(c). When a motion is one that requires a proposed order, any response to that motion shall also be accompanied by a proposed order.

**(g) Oral Hearings.** A movant or respondent may specifically request an oral hearing, but the allowance of an oral hearing shall be within the sole discretion of the judge to whom the motion is assigned.

**(h) Conference Required.** The Court may refuse to hear or may deny a nondispositive motion unless the movant advises the Court within the body of the motion that counsel for the parties have first conferred in a good-faith attempt to resolve the matter by agreement and, further, certifies the specific reason(s) that no agreement could be made. A dispositive motion within the meaning of this rule is a motion to dismiss, a motion for judgment on the pleadings, a motion for summary judgment or partial summary judgment, a motion for new trial, and a motion for judgment as a matter of law. Movants are encouraged to indicate in the title of the motion whether the motion is opposed. A motion is unopposed only if there has been an actual conference with opposing counsel and there is no opposition to any of the relief requested in the motion.

**(i) Claims for Attorney's Fees.**

**(1)** All motions for an award of attorney's fees shall be filed and served no later than fourteen (14) days after entry of judgment pursuant to Rule 54 of the Federal Rules of Civil Procedure. Counsel for the parties shall meet and confer for the purpose of resolving all disputed issues relating to attorney's fees prior to making application. The application shall certify that such a conference has occurred. If no agreement is reached, the applicant shall certify the specific reason(s) why the matter could not be resolved by agreement. The motion shall include a supporting document organized chronologically by activity or project, listing attorney name, date, and hours expended on the particular activity or project, as well as an affidavit certifying (1) that the hours expended were actually expended on the topics stated, and (2) that the hours expended and rate claimed were reasonable. Such application shall also be accompanied by a brief memo setting forth the method by which the amount of fees was computed, with sufficient citation of authority to permit the reviewing court the opportunity to determine whether such computation is correct. The request shall include reference to the statutory authorization or other authority for the request. Detailed time sheets for each attorney for whom fees are claimed may be required to be submitted upon further order of the Court.

**(2)** Objections to any motion for attorney's fees shall be filed on or before eleven (11) days after the date of filing. If there is no timely objection, the Court may grant the motion as unopposed.

**(3)** The motion shall be resolved without further hearing, unless an evidentiary hearing is requested, reasons therefor presented, and good cause shown, whereupon hearing on the motion may be granted.

**(4)** Motions for award of attorney's fees filed beyond the fourteen (14) day period may be deemed untimely and a waiver of entitlement to fees.